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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SHANNON, MICHAEL R

ART UNIT PAPER NUMBER

2614

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/770,766

Applicant(s)

PAZ ET AL.

Examiner

Michael R. Shannon

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20050128, 20050426
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 9-11, filed 28 January 2005, with respect to the rejection(s) of claim(s) 27-29 under 35 U.S.C. 102(e) as being anticipated by Eyer (USP 5,982,445) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gardell et al (USP 6,049,831), cited by examiner.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Gardell et al (USP 6,049,831), cited by examiner.

Regarding claim 27, the claimed "method of interactive TV" is met as follows:

- The claimed step of "receiving, at an interactive TV, a compressed video stream representing a WWW page that includes indications for the TV channels" is met by the client interface 112 translating the definitions

(HTML) to a format appropriate for transmission over path 134, and translating the Web page into an MPEG I-frame for transmission over path 138 [col. 4, lines 49-52]. The Web page is translated from HTML to MPEG format, transmitted over the transmission path, and subsequently received by the user at the STB for Interactive TV 118. The EPG (which is an example of a service running based on this process) contains links to television programming from within the user interface [col. 9, lines 14-27].

- The claimed step of “displaying the WWW page including indications for TV channels” is met by the display of the MPEG encoded WWW page known as the EPG that displays what is viewable now and in the future [col. 9, lines 14-18].
- The claimed step of “detecting an interaction of a user with one of said indications” is met by HTML UI state change notification being received from the STB 118 on the UI state change line 130 based on user selection of a link in the MPEG encoded WWW page [col. 4, lines 9-17].
- The claimed step of “displaying a TV channel on said interactive TV responsive to said detection of interaction” is met by the ability to “present new image information” when the interaction is detected by the user [col. 4, lines 9-17] and by the ability for the EPG to tune to the selected channel [col. 9, line 18].

Regarding claim 28, the claimed “method according to claim 27, wherein said TV channel comprises a pay-on-demand movie” is met by the VOD service, which can be

Art Unit: 2614

implemented using the same GUI platform in MPEG form, providing the client with access to VOD content [col. 8, lines 40-52].

Regarding claim 29, the claimed "method of interactive TV" is met as follows:

- The claimed step of "providing a compressed video stream representing a TV channel" is met by the transmission of regular television signals to the STB 118 [col. 6, lines 4-7].
- The claimed step of "overlaying on said compressed video stream a compressed video stream representing an interaction layer, including at least one control, without decompressing the compressed video stream representing the TV channel" is met by the display of the Web-based GUI for accessing television VOD services [col. 8, lines 40-65].
- The claimed step of "receiving from a viewer of said video stream an interaction with said control" is met by HTML UI state change notification being received from the STB 118 on the UI state change line 130 based on user selection of a link in the MPEG encoded WWW page [col. 4, lines 9-17].
- The claimed step of "modifying said compressed video stream responsive to said received interaction" is met by the ability to "present new image information" when the interaction is detected by the user [col. 4, lines 9-17] and by the ability for the EPG to tune to the selected channel [col. 9, line 18].

Art Unit: 2614

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Shannon who can be reached at (571) 272-7356 or Michael.Shannon@uspto.gov. The examiner can normally be reached by phone Monday through Friday 8:00 AM – 5:00PM, with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

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Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

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Art Unit: 2614

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Or faxed to: (703) 872-9306

Hand-delivered responses should be brought to:

Knox Building
501 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(571) 272-2600**.

Michael R Shannon
Examiner
Art Unit 2614

Michael R. Shannon
June 7, 2005


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600